

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
National Telecommunications)	RM No. 10522
Cooperative Association)	
Request for Amendment of the Commission's)	
Rules to Define "Captured" and "New")	
Subscriber Lines for Purposes of Receiving)	
Universal Service Support)	
)	

**COMMENTS
of the
ORGANIZATION FOR THE PROMOTION AND ADVANCEMENT
OF SMALL TELECOMMUNICATIONS COMPANIES**

I. INTRODUCTION

The Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO) hereby submits these comments in response to the Commission's Public Notice¹ seeking comment on the Petition for Expedited Rulemaking filed by the National Telecommunications Cooperative Association (NTCA) on July 26, 2002. OPASTCO is a national trade association representing over 500 small telecommunications carriers serving rural areas of the United States. Its members, which include both commercial companies and cooperatives, together serve over 2.5 million customers. All of OPASTCO's members are rural telephone companies as defined in 47 U.S.C. §153(37).

¹ *Consumer and Governmental Affairs Bureau, Reference Information Center, Petitions for Rulemaking Filed*, Public Notice, Report No. 2567, RM No. 10522 (rel. Aug. 8, 2002).

II. COMMENTS

The Public Notice for the instant proceeding has not come to the attention of the majority of telecommunications industry stakeholders until very recently. This situation is a result of the Notice having been issued from an unanticipated source, namely the Consumer and Governmental Affairs Bureau. In any event, OPASTCO believes that the issue raised within the NTCA Petition should be considered in the future as part of a comprehensive Notice on the subject of universal service support portability.

The Wireline Competition Bureau is presently preparing a Notice, to be released later this year, regarding issues associated with the portability of universal service fund (USF) support.² There are a myriad of issues that relate to universal service portability. The interrelationship between the specific definitional questions posed by NTCA and the other issues concerning the portability of USF suggest that they be considered together.

Consequently, the issue raised within the NTCA Petition would be most appropriately addressed as part of the future proceeding that is being prepared by the Wireline Competition Bureau. Industry stakeholders should have an opportunity to consider all the issues associated with USF portability in one unified proceeding.

² Commissioner Abernathy has stated that, in response to concerns raised by rural local exchange carriers (LECs) regarding current portability rules, “the Commission, with my strong support, intends to address the issue in an upcoming rulemaking proceeding.” *See, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Recommended Decision, Separate Statement of Commissioner Kathleen Q. Abernathy, FCC 02J-1, p. 37 (rel. July 10, 2002). In addition, OPASTCO has met with representatives from the Wireline Competition Bureau to discuss the upcoming proceeding on portability. *See, OPASTCO Ex Parte Notice*, CC Docket No. 96-45, (fil. August 22, 2002). In that meeting, there was discussion as to whether the NTCA Petition would be considered separately or within the portability Notice. The Bureau staff seemed to have no knowledge of the fact that the Petition had already been put out for comment by the Consumer and Governmental Affairs Bureau.

Respectfully submitted,

**THE ORGANIZATION FOR THE
PROMOTION AND ADVANCEMENT OF
SMALL TELECOMMUNICATIONS COMPANIES**

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By: /s/ Jeffrey W. Smith
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September 9, 2002

CERTIFICATE OF SERVICE

I, Jeffrey W. Smith, hereby certify that a copy of the comments by the Organization for the Promotion and Advancement of Small Telecommunications Companies was sent by first class United States mail, postage prepaid, on this, the 9th day of September, 2002, to those listed on the attached list.

By: /s/ Jeffrey W. Smith
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SERVICE LIST

**Consumer & Governmental Affairs Bureau
RM No. 10522**

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